

The Honorable Richard A. Jones

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON; *et al.*,

NO. 2:20-cv-00111-RAJ

Plaintiffs,

ADMINISTRATIVE RECORD OF  
DEPARTMENT OF STATE

v.

UNITED STATES DEPARTMENT OF  
STATE; *et al.*,

FILED PURSUANT TO LOCAL  
CIVIL RULE 79(h)

Defendants.

As set forth in the parties' Joint Status Report of April 21, 2020 (ECF No. 97), the parties have agreed that the administrative record for purposes of this case is not the complete administrative record of the final rules at issue in this case, but instead, the portion of that record pertaining to 3-D gun files (defined as "technical data and software directly related to the production of firearms or firearm parts using a 3D-printer or similar equipment"), as well as the record produced in Case No. 18-1115.

Consistent with the parties' agreement, Federal Defendants hereby produce the Department of State's administrative record for purposes of this case.

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UNITED STATES DEPARTMENT OF  
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Defendants.

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CERTIFICATION OF  
ADMINISTRATIVE RECORD

I, Joseph N. Khawam, pursuant to 28 U.S.C. § 1746, declare and say the following:

1. I am currently an Attorney-Adviser in the Office of the Legal Adviser within the U.S. Department of State. I have held this position since October 2012. In my current role, in which I have served since May 2019, I provide legal counsel to the Directorate of Defense Trade Controls within the Department of State's Bureau of Political-Military Affairs. In this role, I have assisted in compiling the Department of State's administrative record for the purposes of the above-captioned litigation related to the Department of State's January 23, 2020 Rule entitled *International Traffic in Arms Regulations: U.S. Munitions List Categories I, II, and III* ("Rule"). The information in this certification is based upon my personal knowledge or on information provided to me in the course of my official duties.
2. Consistent with the Joint Status Report and Discovery Plan (Dkt. 97), the Department has compiled the following Bates number ranges as the materials related to the Rule that "pertain to 3-D gun files":

WASHSTATEA001 to WASHSTATEA12901;  
WASHSTATEB000001 to WASHSTATEB013097;

1 WASHSTATEC000001 to WASHSTATEC023747;  
2 DOSWASHINGTON000001 to DOSWASHINGTON006687;  
3 DOSWASHINGTONSUP00001 to DOSWASHINGTONSUP04933;  
4 WASHAR0000001 to WASHAR0037074; and  
5 CWASHAR0000001 to CWASHAR0002409.

- 6 3. To the best of my knowledge, the non-privileged materials contained within the Bates  
7 number ranges set forth in ¶ 2 constitute a true and complete copy of the Department of  
8 State's administrative record for the purposes of the above-captioned litigation.
- 9 4. The parties also agreed in the Joint Status Report and Discovery Plan that the  
10 administrative record for the purposes of this litigation includes the record previously  
11 produced in this District's Case No. 18-1115. The Department of State is producing  
12 these materials again as part of the current production. These materials retain the same  
13 Bates numbers previously assigned.

14 I certify under the penalty of perjury that the foregoing is true and correct.

15 Executed this 23<sup>rd</sup> day of September, 2020.

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17 Joseph N. Khawam  
18 Attorney-Adviser  
19 Office of the Legal Adviser  
20 U.S. Department of State  
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